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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,661	12/22/2003	Richard Jay Seavy	046657-00003	7584

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EXAMINER

LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/743,661	Applicant(s) SEAVY, RICHARD JAY	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-26 is/are rejected.
- 7) ☒ Claim(s) 11, 16 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Acknowledgment is made of the amendment filed (date). Accordingly claims 3,5,9,13,15,16, and 18 have been amended. Claims 1 and 2 have been cancelled.

The indicated allowability of claims 3-26 is withdrawn in view of reference(s) to Gavin (4843788) and White (1100804). Rejections based on the reference(s) follow. Therefore this action is Non-Final.

Claim Objections

Claims 11, 16, and 26 are objected to because of the following informalities:

Claim 11 – change “panels” to “panel”;

Claim 16 – line 12 recites “an adjacently positioned second cell”, it is unclear whether this is the same adjacently positioned second cell as stated in lines 8-9. Examiner suggests changing line 12 to read “to the adjacently positioned second cell” for clarification.

Claim 26 – there is lack of antecedent basis in the claim for the limitation “said upstanding panel”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gavin et al (4843788).

Regarding claim 16: Gavin discloses a prefabricated jail cell, comprising:
a front panel (11; figure 1);

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a rear panel (opposite the front panel; figure 2);
two side panels (11 and opposite; figure 2) joining said front and rear panels;
a roof panel (14) joining said front, rear, and side panels at their upper edges;
wherein said jail cell includes first means (15 and 16) for connecting said front panel and one of said side panels at their juncture to an adjacently positioned second cell;

wherein said jail cell includes a connecting plate (16; figures 1 and 3) for connecting said rear panel and one of said side panels at their juncture to an adjacently positioned second cell.

Regarding claim 17: The jail cell of claim 16, wherein each said panel includes a plurality of "C" channel shaped vertical support members to provide reinforcement (22, as seen in figure 2 where 22 surrounds the panel in a "C" shaped manner).

Claims 3-7, 9-15, 18-22, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by H.E. White (1100804).

Regarding claim 1: White discloses a prefabricated jail cell, comprising:

a front panel;
a rear panel;
two side panels joining said front and rear panels (Col. 1, lines 35-37 and Col. 2, lines 71-73);
a roof panel (figure 1, the top panel) joining said front, rear and side panels at their upper edges;

wherein said jail cell includes first means (20) for connecting said front panel and one of said side panels at their juncture to an adjacently positioned second cell;

wherein said jail cell includes second means (15) for connecting said rear panel and one of said side panels at their juncture to an adjacently positioned second cell;

wherein said cell includes an additional first means located on a side opposite from said other first means to enable said front panel to connect to an adjacently located third cell, and wherein said cell includes an additional second means located on a side opposite from said other second means to enable said rear panel to connect to an adjacently located third cell (where White discloses in Col. 4 starting at line 91 that the jail cells are in rows and figure 1 shows that the two opposite sides of the cell are configured with connecting means for connecting to adjacent cells); and

wherein said first means comprises a front panel extension portion (20) extending laterally outward from said front panel and a side panel support member (figure 6 where 5 receives 25) spaced from said front panel extension portion and defining a slot positioned proximal to said extension portion and capable of receiving an interlock plate for connecting said first means to an adjacently positioned cell.

Regarding claim 4: The jail cell of claim 3, wherein said second means comprises a connecting plate (15 is a connecting plate).

Regarding claim 5: The jail cell of claim 4, wherein said jail cell is configured to be attached to a plurality of other identical cells and said roof panel includes two parallel walls spaced from one another such that one of said walls serves as a floor for a superiorly positioned cell (figure 1).

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Regarding claim 6: The jail cell of claim 5, wherein said front panel is double walled (figure 1 and Col. 1, lines 46-47).

Regarding claim 7: The jail cell of claim 6, wherein each said panel includes a plurality of "C" channel shaped vertical support members (as best seen in figure 10, where each panel includes "C" shaped members) to provide reinforcement.

Regarding claim 9: White discloses a prefabricated jail cell, comprising:

a front panel;

a rear panel;

two side panels joining said front and rear panels (Col. 1, lines 35-37 and Col. 2, lines 71-73);

a roof panel (figure 1, the top panel) joining said front, rear and side panels at their upper edges;

wherein said jail cell includes first means (20) for connecting said front panel and one of said side panels at their juncture to an adjacently positioned second cell;

wherein said jail cell includes second means (15) for connecting said rear panel and one of said side panels at their juncture to an adjacently positioned second cell; and

wherein said first means comprises a front panel extension portion (20) extending laterally outward from said front panel and a side panel support member (figure 6 where 5 receives 25) spaced from said front panel extension portion and defining a slot positioned proximal to said extension portion and capable of receiving an interlock plate for connecting said first means to an adjacently positioned cell.

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Regarding claim 10: The jail cell of claim 9, wherein said second means comprises a connecting plate (15 is a connecting plate).

Regarding claim 11: The jail cell of claim 10, wherein said roof and front panel are double walled (figure 1 and Col. 1, lines 46-47).

Regarding claims 12 and 14: The jail cell of claims 9 and 11, wherein each said panel includes a plurality of "C" shaped vertical support members (as best seen in figure 10, where each panel includes "C" shaped members) to provide reinforcement.

Regarding claims 13 and 15: The jail cell of claims 12 and 14, wherein said jail cell is configured to be attached to a plurality of other identical cells and said roof panel includes two parallel walls spaced from one another such that one of said walls serves as a floor for a superiorly positioned cell (figure 1).

Regarding claim 18: White discloses a prefabricated jail cell, comprising:
a front panel;
a rear panel;
two side panels joining said front and rear panels (Col. 1, lines 35-37 and Col. 2, lines 71-73);

a roof panel (figure 1, the top panel) joining said front, rear and side panels at their upper edges;

wherein said jail cell includes first means (20) for connecting said front panel and one of said side panels at their juncture to an adjacently positioned second cell;

wherein said jail cell includes second means (15) for connecting said rear panel and one of said side panels at their juncture to an adjacently positioned second cell; and

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wherein said jail cell is configured to be attached to a plurality of other identical cells and said roof panel includes two parallel walls (the bottom being the ceiling of the lower cell and the top being the floor of the upper cell) spaced from one another such that one of said walls serves as a floor for a superiorly positioned cell.

Regarding claim 19: The jail cell of claim 18, wherein each said panel includes a plurality of "C" channel shaped vertical support members (13 and 14) to provide reinforcement.

Regarding claim 20: White discloses a system of connected prefabricated jail cells, comprising:

a first cell, comprising:

a front panel;

a rear panel;

two side panels joining said front and rear panels (Col. 1, lines 35-37 and Col. 2, lines 71-73);

a roof panel (figure 1, the top panel) joining said front, rear and side panels at their upper edges;

wherein said first jail cell includes first means (20) for connecting said front panel and one of said side panels at their juncture to an adjacently positioned cell; and

wherein said first jail cell includes second means (15) for connecting said rear panel and one of said side panels at their juncture to an adjacently positioned cell;

a second cell positioned adjacent to said first cell and connected thereto through said first means (figure 4; Col. 1, lines 28-30 and Col. 4, lines 91-98);

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a third cell positioned adjacent to said first cell on an opposite side from said second cell and connected to said front panel of said first cell (figure 4; Col. 1, lines 28-30 and Col. 4, lines 91-98);

a fourth cell positioned above said first cell and attached thereto, wherein said roof of said first cell serves as a floor of said fourth cell (figure 1); and,

wherein each said cell has an identical structure (where each cell is comprised of the wall panels having front, rear and side panels).

Regarding claim 21: The jail cell of claim 20, wherein each said roof and front panels are double walled (figure 1 and Col. 1, lines 46-47).

Regarding claims 22 and 24: The jail cell of claims 20 and 21, wherein each said panel includes a plurality of "C" shaped vertical support members (as best seen in figure 10, where each panel includes "C" shaped members) to provide reinforcement.

Regarding claim 26: White discloses a prefabricated jail cell, comprising:

a front panel;

a rear panel;

two side panels joining said front and rear panels (Col. 1, lines 35-37 and Col. 2, lines 71-73);

a roof panel (figure 1, the top panel) joining said front, rear and side panels at their upper edges;

wherein said jail cell includes a front panel extension portion (20 near 21) extending laterally outward from said front panel and a side panel support member (13 at the bottom) spaced from said front panel extension portion and defining a slot (14)

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positioned proximal to said extension portion and adapted to receive an interlock plate from an adjacently positioned cell;

wherein each said side panel includes a wall surface and a "C" shaped side panel support member (29), where the connection is a "C" shaped) having an exterior surface affixed to said side panel and having a portion extending beyond said wall surface (figure 8) to provide a supporting surface to an end of said rear panel (figure 8); and

wherein each said upstanding panel includes a "C" channel lateral support member (Z, figure 1 see reference drawing) at their upper edges affixed to said roof panel for supporting said same.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.E. White (1100804).

Regarding claims 8, 23 and 25: White discloses the jail cell of claims 22 and 24, but does not expressly disclose that each said front panel includes an entranceway. However White does disclose a balcony extending off of the front panel where guards would walk and White further discloses that the rear of the cells is for utilities (Col. 4, lines 91-117). Therefore since it is obvious and known that a jail cell would have an

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entrance, and in view of White's disclosure, it appears the jail cell of While has an entrance at the front panel.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JL
01/04/2007



JEANETTE E. CHAPMAN
PRIMARY EXAMINER
GROUP 3400

Reference Drawing
for 10/743661

Office Action dated 01/107

H. E. WHITE.
BUILDING CONSTRUCTION.
APPLICATION FILED SEPT. 23, 1909.

Patented June 23, 1914.

3 SHEETS--SHEET 1.

1,100,804.

Fig. 1.

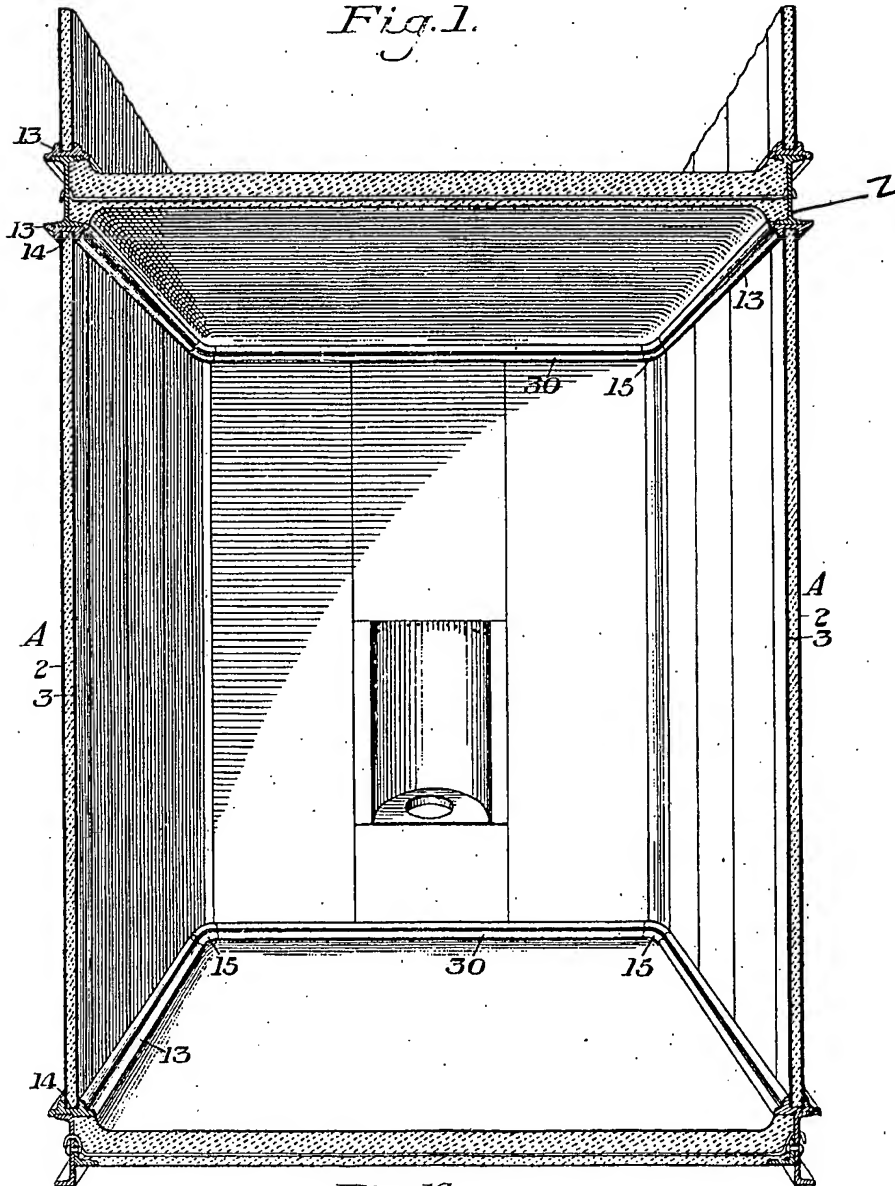
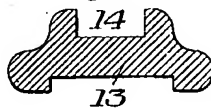


Fig. 1^a.

WITNESSES

RA Balderson
Walter Farnard



INVENTOR

H. E. White,
by Baberue. Bymer Parnell,
his Atty